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**Situations
and strategies
in American
land-use
planning**

THOMAS K. RUDEL

Situations and strategies in American land-use planning

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**The Arnold and Caroline Rose Monograph Series
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Situations and strategies in American land-use planning

Since the 1960s large numbers of American communities have become embroiled in controversies over local land use. The heated nature of the debates suggests the importance of the issues. At the same time a casual reading of rural and suburban newspapers indicates that communities often deal with similar land-use problems in very different ways. *Situations and strategies in American land-use planning* explores these variations in the ways communities resolve land-use problems.

Numerous analyses have identified local land-use controls as the source of our continuing problems with residential segregation and environmental deterioration. Although recent efforts to resolve these problems have focussed on policymaking in local government, the existing literature on land-use control provides little guidance for these efforts. In this context *Situations and strategies in American land-use planning* meets a need. From case studies of regulatory processes in rural, rural-urban fringe, suburban, and urban communities in Connecticut it develops an empirically grounded theory of land-use planning which has clear implications for reforming the local planning process. Thomas Rudel's book will be invaluable to all those involved in planning as well as being of interest to environmental and rural sociologists, geographers, and political scientists concerned with local government.

The Rose Monograph Series was established in 1968 in honor of the distinguished sociologists Arnold and Caroline Rose whose bequest makes the Series possible. The sole criterion for publication in the Series is that a manuscript contribute to knowledge in the discipline of sociology in a systematic and substantial manner. All areas of the discipline and all established and promising modes of inquiry are equally eligible for consideration. The Rose Monograph Series is an official publication of the American Sociological Association.

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For other titles in the series see p. 165.

To Susan

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1 Introduction: local governments and land-use planning

The purpose of the study

Between 1950 and 1980 the United States experienced a boom in the construction of residential and commercial buildings. Aggregate statistics tell the story. In 30 years developers constructed more than 33 million single-family homes and built more than \$561 billion worth of factories, malls, offices, and other non-residential buildings.¹ This boom in building coincided with changes in the geographical distribution of the American population. In massive numbers between 1950 and 1980 Americans moved from cities to suburbs and, more recently, to rural areas (Long, 1981). Under these circumstances developers raised millions of new buildings on tracts of farmland and forest in suburban and rural communities.

This wave of land-use conversion created opportunities and caused problems for a large number of Americans. The opportunities came in the form of increased land values for landowners, improved locations for businesses, and new, well-built, affordable homes for homeowners. The problems involved inadvertent or ill-considered land-use conversions which made it impossible to devote land or buildings to their best use. In Alabama, for example, miners dug coal on lands designated for residential use and reduced the value of nearby homes.² In Connecticut a developer built homes in a wetlands which caused the homes to sink and made them uninhabitable.³ In Florida indiscriminate dredging and filling of wetlands around subdivisions of recreational homes did extensive damage to estuarine life (Allen *et al.*, 1977). In Arizona the construction of subdivision roads on sharply sloped land caused extensive wind erosion (Allen *et al.*, 1976). In each of these instances, officials and residents of the affected communities met to see if they could manage the change from rural to urban land uses more effectively.

The meetings varied widely in tone. At public hearings in Connecticut town halls, local residents gathered to talk about suburbanization. In jam-packed rooms people stood up, one by one, and voiced apprehension about

the conversion of their sparsely populated, small town into a densely populated suburb of New York City. The speakers complained about the loss of "peace and quiet" which accompanied suburban development and called upon local officials to reject plans to build more shopping centers, apartment complexes, and residential subdivisions in their towns. In other places the residents stayed home. Lawyers, developers, and zoning commissioners grouped around a set of blueprints in an empty meeting hall and made decisions about land use. The differences in meetings produced differences in policy. In some communities local governments launched time-consuming land-use planning programs which prohibited all intense land uses, including multi-family, low-income housing.⁴ In other communities efforts to control land use were ineffectual, especially in cases involving influential local developers.

The contrasts between these communities raise disturbing questions. They convey an impression of regulatory extremism in which communities either permit or prohibit most proposals for development within their jurisdictions. Case studies of land-use planning have contributed to this impression. A series of studies in different settings have documented the absence of effective controls over real estate development (Bernard and Rice, 1983; Feagin, 1983; Molotch, 1976). Other studies, drawing their examples from different places, have outlined a pattern of extensive restriction (Frieden, 1979; Dowall, 1984; Davidoff and Brooks, 1976; Schlay and Rossi, 1981; Williams and Norman, 1974). In the latter communities the regulations, as much as the environmental abuses which they were designed to correct, became the problem. This uneven pattern of regulation prompted numerous reform efforts by higher levels of government during the 1960s and 1970s. Between 1965 and 1976 state legislatures adopted 94 statutes which established minimum standards for local land-use planning in environmentally sensitive areas (Rosenbaum, 1976:31-51). In three northeastern states the courts or the legislatures placed legal limits on the use of local land-use laws for exclusionary purposes (Austin, 1975; Danielson, 1976).

In the 1980s the efforts to circumscribe local control have subsided. Under these circumstances locally initiated reforms offer the only hope for curbing land-use abuses. These reforms will prove workable only if they are founded on an understanding of how communities exercise social control over land use. More precisely, it becomes important to understand the social and ecological conditions which make it possible for communities to establish and enforce norms governing the use of land within their borders. This study uses microsociological approaches to answer this question. It explores the social conditions which give rise to different patterns of land-use planning

through an ethnographic study of real estate development and its regulation in a set of western Connecticut communities.

The social control of land use

“Social control refers to all conscious and deliberate attempts to promote conformity to norms” (Gibbs, 1972:2). Efforts to establish social controls over land use usually result in an agreement, with contractual overtones, between a developer and other interested parties which outlines a mutually acceptable change in land use. The interested parties, usually neighboring landowners and commissioners representing the community, exert control over the developer during the process of drawing up the agreements. The type and degree of control exercised by the interested parties varies considerably between communities, but in most places legally enforceable land-use plans are an important instrument of control.

When a community creates a land-use plan, it expresses a vision of how it wants to look in the future, after the conversion of varying amounts of land to urban uses (Garkovich, 1981:51). In effect the plan proposes a set of norms for new land uses in the community. A zoning law enforces these norms by assigning land uses to undeveloped tracts of land. Because the assignment of a land use to a tract of land can have a dramatic impact on the land’s value, the drawing of a zoning map involves distributive politics, “the determination of who gets what, where, and how” (Lasswell, 1936, cited in Garkovich, 1981:60). The map determines “where, how much, and what type of growth will occur in the community” (Garkovich, 1981:51). Because land-use planning addresses these distributional questions, it “is more than just another kind of environmental protection. Its goals are too diffuse for that and the social and economic interests it affects are too important” (Healy and Rosenberg, 1979:273).

The impetus to plan almost always comes from developers. They propose to build, and the community reacts to their proposals. The process is not orderly. Land-use authorities, like most other public actors, make decisions in response to pressing problems, and they do so “with haste, poor information, and no theory” (Lynch, 1981:41). If, in a series of deliberations surrounding proposed developments, one group of landowners pushes through provisions favorable to its interests, they establish a set of norms over land use in the community. In other words they establish a system of social control over land use.

Descriptions of local land-use controls

While the literature on land-use planning is voluminous, it sheds little light on differences in controls from community to community. The absence of descriptive accounts reflects the practical orientations of most of the writers. Most students of land-use planning have been either reformers interested in state land-use planning or practitioners (lawyers or planners) interested in the latest trends in land-use law.

While the reformers have identified local land-use controls as a major source of our continuing problems with residential segregation and environmental degradation, they have paid little attention to the social organization of the offending institution. Typically they present the failures in list-like fashion and devote the bulk of their essay to analyses of innovations in state land-use planning. The lack of empirical work on the institution which the reformers hope to change may stem from the frequently held assumption that the impetus for reform in local government must come from the state or federal government. If reform comes from above, with higher levels of government passing laws which prohibit particular provisions in local laws, then analyses of local control need not do more than identify the objectionable provisions.

Descriptions of land-use planning by practitioners usually focus on new planning tools or the latest twist in judicial interpretations. Richard Babcock (1966:xv-xvi) describes the difficulties which this literature poses for anyone interested in patterns of local land-use planning.

In no other field of law is it so difficult to grub out what is taking place from the court decisions, professional journals, and model statutes. A vast amount of decision making is not on record. When it is available, it is often devoted in such detail to the minute facts of individual cases that it is almost impossible to marshal, much less analyze, the bases for decisions.

This emphasis on prescription rather than description serves the purposes of lawyers who want information on new policies or recent court cases, but it causes problems for planners. Citizens frequently complain about "fresh-faced" planners who have a keen understanding of the new state land-use law and little understanding of the locales in which the law must be applied (Berger and Sinton, 1985:152; Eagle, 1976:38; DeGrove, 1979:130; Lassey, 1977:220; Salter, 1981). Having read the literature, the young planners know the content of the new law but not the conditions in which it must be applied.

When observers do make descriptive statements, they are often oversimplified. Economists have been especially diligent in this regard. They have

written extensively on the origins and effects of planning and zoning in an attempt to render them intelligible in conventional economic terms. With this reductionist agenda, economists tend toward summary characterizations of local land-use management. They describe zoning as the exercise of monopoly power or the assertion of collective property rights by homeowners (Hamilton, 1978). These characterizations then become the basis for sweeping proposals for reforming zoning law through, for example, the sale of zoning rights (Nelson, 1978). While these general characterizations of land-use control may be more accurate than the summary descriptions produced by other observers, their high level of abstraction reduces their usefulness for explaining intercommunity variations in land-use planning.

The summary descriptions of local land-use planning have another drawback: they frequently contradict one another. For example, the Ralph Nader-sponsored Study Group on Land Use in California refers to local land-use regulators as "the developer's best friend," while Bernard Frieden in a study of northern California suburbs characterizes the same people as uncompromising defenders of pristine suburban environments (Nader, 1973, cited in Popper, 1981:25; Frieden, 1979). In another instance William Fischel writes that "the empirical consensus (among economists) is that zoning allows too little development" (Fischel, 1978:65). The empirical consensus among planners is somewhat different (Conner, 1981:7).

There is little disagreement among planners that traditional zoning has failed to serve the purposes for which it was intended. It consistently fails to protect property values and the environment. It has not even been successful in insulating the hallowed single family home from intrusions by other uses or densities that are too high.

In other words, zoning allows too much development.

Other characterizations of local land-use planning convey an impression of almost random variation. As Richard Babcock (1966:66) writes,

The chaos in land use planning is not the result of uncontrolled individual enterprise. It is a result of a combination of controls and lack of controls, of over-planning and anti-planning, enterprise and anti-enterprise, all in absolute disarray. I doubt that even the most intransigent disciple of anarchy ever wished for or intended the litter that prevails in the area of local land use regulation.

The reluctance of local land-use authorities to base their zoning decisions on a master plan underlines the accuracy of Babcock's observations. As Marion Clawson has noted, about two-thirds of all zoning actions are taken without the guidance provided by a master plan (Clawson, 1975:26). A wide variety of other planners have noted the *ad hoc*, particularistic character of local land-use policy (Hawkins, 1975; Reilly, 1973; Carter *et al.*, 1974). For

example, in a widely read essay on local land-use planning, John Reps (1972:12) writes,

Zoning regulations are intensely parochial. Standards required in any single metropolitan area may vary enormously depending on the whims of local legislators...Standards of enforcement vary equally widely. The possibility of achieving coordinated and balanced metropolitan development under such a situation...can be written off as a mere fiction.

The statements about bewildering variations in the law and parochial bases for decision making convey, along with the contradictory characterizations of land-use planning, an impression of tremendous heterogeneity in the social control of land use. Case studies of land-use control reinforce this impression.⁵ This book outlines a pattern in the heterogeneity of American land-use planning, presents a theory to explain the pattern, and illustrates the theory with case studies of land-use planning in four disparate types of community. They include a satellite city, a suburb, a rural-urban fringe community, and a rural community. Only large center cities, with their complex redevelopment schemes, lie beyond the purview of this analysis.

Chapter 2 discusses the theory. Chapter 3 describes the setting for the study, with particular attention to the structural shifts in land use and land-use control which occurred when western Connecticut underwent suburban development. This chapter also provides a brief description of the field methods used in the study. Chapters 4, 5, and 6 provide detailed descriptions of how social relations in rural, rural-urban fringe, and urban communities affect processes of land-use control. Chapter 7 assesses the theory and discusses its policy implications.

2 Situations and strategies in local land-use control

Institutions and actors in land-use control

Brief descriptions of the chief institutions and actors involved in land-use planning should provide a convenient point of departure for the more abstract theoretical discussions which follow.

Markets

The theory outlined below begins with the assumption that land-use controls develop in the context of a market for land. As Babcock has observed (1976:39),

Zoning policy and practice are essentially a contest between competing private interests in real estate—the developer or the landowner versus the protesting neighbors and neighboring property owners.

If this portrayal of the interests in land-use control is accurate, then “the image of a free and unorganized market in which individuals compete impersonally for land must be abandoned. This kind of market is highly organized and dominated by a number of interacting organizations” (Form, 1954:33). The social structure of these markets varies in important ways from rural to urban locales. The numbers of buyers and sellers, their financial status, and their knowledge of one another all vary along this dimension. Real estate markets also vary in size. In rural-urban fringe areas a market may extend across six or seven adjacent communities; in more differentiated and densely populated areas they extend over smaller areas.

Developers

A population of developers serves each market. The number and identity of the developers in a market change in predictable ways as places undergo suburban development. In rural communities most developers are locally